UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/28/Add.6
26 September 1996

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1995

Addendum

LIBYAN ARAB JAMAHIRIYA

[23 May 1996]

GE.96-18319 (E)

CONTENTS

	Paragraphs	Page
Introduction	1 - 9	4
I. GENERAL MEASURES OF IMPLEMENTATION	10 - 16	5
A. Measures taken to harmonize national law and policy with the provisions of the Convention	10 - 12	5
B. Mechanisms for coordinating policies relating to children and for monitoring the implementation of the Convention	13 - 16	8
II. DEFINITION OF THE CHILD	17 - 46	8
III. GENERAL PRINCIPLES	47 - 57	13
A. Non-discrimination (art. 2)	47 - 49	13
B. Best interests of the child (art. 3)	50	13
C. The right to life, survival and development (art. 6)	51	13
D. Respect for the views of the child (art. 12)	52	14
E. Application of the principles of the Convention in other areas	53 - 57	14
IV. CIVIL RIGHTS AND FREEDOMS	58 - 70	14
A. Name and nationality (art. 7)	58	14
B. Preservation of identity (art. 8)	59 - 60	15
C. Freedom of expression (art. 13)	61 - 62	15
D. Access to appropriate information (art. 17)	63	15
E. Freedom of thought, conscience and religion (art. 14)	64 - 65	15
F. Freedom of association and of peaceful assembly (art. 15)	66 - 67	16
G. Protection of privacy (art. 16)	68	16
H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))	69 - 70	16
V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE	71 - 97	17
A. Parental guidance (art. 5)	71 - 72	17
B. Parental responsibilities (art. 18, paras. 1-2)	73 - 80	17
C. Separation from parents (art. 9)	81 - 82	19
D. Family reunification (art. 10)	83	20

CONTENTS (continued)

		Paragraphs	Page
	E. Recovery of maintenance for the child (art. 27, para. 4)	84 - 85	20
	F. Children deprived of a family environment (art. 20)	86 - 91	20
	G. Adoption (art. 21)	92 - 97	22
VI.	BASIC HEALTH AND WELFARE	98 - 125	23
	A. Survival and development (art. 6, para. 2)	101	24
	B. Disabled children (art. 23)	102 - 108	24
	C. Health and health services (art. 24)	109 - 118	26
	D. Social security and child care services and facilities (arts. 26 and 18, para. 3)	119 - 121	29
	E. Standard of living (art. 27, paras. 1-3)	122 - 125	29
VII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES	126 - 146	31
	A. Education, including vocational training and guidance (art. 28)	129 - 141	32
	B. Aims of education (art. 29)	142	34
	C. Leisure, recreation and cultural activities (art. 31)	143 - 146	35
VIII.	SPECIAL PROTECTION MEASURES	147 - 163	37
	A. Children in situations of emergency	147 - 152	37
	B. Children in conflict with the law	153 - 156	38
	C. Children in situations of exploitation	157 - 163	39
IX.	FACTORS AND DIFFICULTIES AFFECTING THE DEGREE OF FULFILMENT OF THE OBLIGATIONS UNDER THE CONVENTION (Art. 44, para. 2)	164 - 170	39

Introduction

1. Child welfare policy in the Libyan Arab Jamahiriya forms part of a more general and comprehensive social policy designed to provide welfare and protection for all, both young and old, and to prevent exploitation and oppression in a society that exalts humanitarian principles and sets a high value on human rights, as reflected in the Great Green Document on Human Rights.

2. In programme terms, child welfare policy in the Libyan Arab Jamahiriya is directed towards attending to children's interests, improving the conditions in which they grow up and protecting them from oppression, ill-treatment and other sources of distress. Child welfare policy in the Jamahiriya, as a component of the country's social welfare system, seeks essentially to guarantee children's survival and to raise their living standards. To that end, it employs a variety of methods and programmes aimed at child development, the safeguarding of children's rights and the removal of difficulties and obstacles impeding their development and progress.

3. Child social welfare is rooted in the teachings of the religion of Islam, whose message to the whole of mankind is that God exalted man as his vicar on earth, graciously bestowing on him a multitude of favours and blessings, and appointing him as custodian of all creation in fulfilment of his calling on earth.

4. The Libyan Arab Jamahiriya signed the Convention on the Rights of the Child in April 1993 and the Convention entered into force on 15 May 1993. The Jamahiriya hereby submits its initial report under article 44, paragraph 1 (a) of the Convention, in which it reports on the measures it has adopted to give effect to the rights recognized therein and on progress made in the enjoyment of those rights in the two years following the entry into force of the Convention.

5. This report has been prepared in accordance with the guidelines adopted by the Committee at its first session (doc. CRC/C/5 of 30 October 1991) and the guidelines concerning the general part of States parties' reports contained in the Manual on Human Rights Reporting (HR/PUB/91/1).

6. The Libyan Arab Jamahiriya, in submitting this report, wishes to emphasize that it has consistently championed the protection and enforcement of human rights for every individual, child and adult, male and female, through its fundamental legislation, which draws on the Holy Qur'an as its source of law and the Green Book as its guide.

7. Basic legislation in the Jamahiriya consists of the Proclamation of the Revolution, the Constitutional Declaration, the Declaration Establishing the People's Authority, the Great Green Document on Human Rights in the Age of the Masses, the Promotion of Freedom Act, the Declaration of Human Rights and the decisions of the Basic People's Congresses.

8. The basic legislation contains all provisions relating to children and their rights and welfare: legislation on child-rearing, leisure and culture, education, social welfare associations, protection of children and their rights, social welfare and social insurance, health, criminal liability, labour and employment.

9. This report was prepared by a Special Committee under the supervision of the Higher Committee for Child Welfare.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national law and policy with the provisions of the Convention

10. With regard to article 4 of the Convention concerning the adoption of all appropriate legislative, administrative and other measures to implement the rights recognized in the Convention and to harmonize national law and policy with its provisions, it has come to light that many articles of the Convention correspond to existing legislation in the Libyan Arab Jamahiriya, as will be shown below.

11. The most recent example of such legislation is the Child Protection and Welfare Ordinance adopted by the basic people's congresses. This states that in keeping with the premises of the Third Universal Theory and of the Great Green Document on Human Rights in the Age of the Masses, and in response to Leader Muammar Qaddafi's tireless endeavours on behalf of children at all stages of development aimed at achieving a cultural transformation that will conduct the nation to a pinnacle of civilization consistent with its lofty aspirations and stirring message, a number of specialized technical committees established by the Higher Committee for Child Welfare studied the status of children in the Libyan Arab Jamahiriya and explored their problems in depth. It emerged that, despite the benefits so liberally bestowed by the revolution, an urgent need existed for legislation by the basic people's congresses that would commit society as a whole, and the executive in particular, to a clear-cut policy pursued in stages of brief duration with a view to speedy achievement of its goal. The provisions of this enactment are as follows:

(a) Promoting sound family circumstances prior to childbirth in order to ensure the development of a healthy baby, as free as possible from hereditary, congenital or other abnormalities, by providing for medical examinations and checkups prior to marriage and health care for pregnant mothers and their unborn children;

(b) Providing the nutrition and health counseling needed by pregnant women through specialized social health centres;

(c) Early detection of congenital abnormalities in children and treatment of the causes in both mother and father and the symptoms in the child, initially in the obstetric department and subsequently in maternal and child welfare centres;

(d) Providing support for neonatal departments and children's hospitals in general and for primary health care through vaccination of

children against communicable diseases, monitoring of the different stages of child development and early detection of any disorders before they reach a critical stage;

(e) Protection of children from cruelty and ill-treatment by ensuring that their social relations, in the family, educational establishments and society, are based on scund and humane principles, and authorization of inspections and monitoring by social workers on the basis of systematic programmes and legally established procedures;

(f) Adoption of a system of social welfare and education centres and family counselling offices in settled areas and provision of similar services by means of travelling caravans in the case of non-sedentary villages and other population clusters so that all families and children have access to welfare facilities;

(g) Diligent promotion and monitoring of the home-based early childhood education programme, meeting the requirements for such education and overcoming the obstacles impeding it through scientific solutions and sound administrative measures in order to ensure universal coverage. This programme's success and gradual replacement of the previous system as a culturally new approach to education confirms the need for a correspondingly favourable environment in existing educational establishments in the form of integrated facilities, more progressive teaching methods and closer interaction with the child;

(h) Promotion of a social approach to child-rearing in educational establishments, clubs and all other bodies dealing with children in order to develop the child's aptitudes, gifts and creative abilities and to use them for the advancement of society;

(i) Encouragement of community action based on voluntary effort through the establishment of voluntary community associations and clubs, supporting their positive involvement in child protection and welfare and their active participation in children's activities in general at the local, national and international levels;

(j) Provision of material and moral support for large families, ensuring the welfare of their young members, and, in the case of disabled and needy children, reducing dependence on the services of homes and hostels in recognition of the principle that the family is the ideal natural environment;

(k) Encouraging families and institutions to put aside savings for the benefit of their children and inmates;

(l) Recognition of the right to terminate guardianship on humanitarian and social grounds where the guardian or tutor fails to discharge his obligations to the child entrusted to his care or where the child suffers physical or moral injury, as determined by a competent court of law on the basis of firm evidence and the expert opinion of specialized social workers;

(m) Adoption of sponsorship, hosting and fostering programmes for children at social welfare institutions with a view to providing an

alternative family environment with all the elements of a natural family, which is more beneficial than the alternative care provided in homes and hostels; at the same time providing existing institutions with the resources they need to improve their performance and offering them assistance in adopting the new approach;

(n) Measures to address the problem of naming children of unknown parentage in a manner consistent with the child's interests and compatible with the social code of the Libyan Arab Jamahiriya by giving the child an appropriate name, i.e. a father's first name and a mother's first name corresponding to those of the host family or the foster family provided that the first name of the grandfather on the father's side and that of the grandfather on the mother's side are different from the first names of the host family; the agreement and consent secured through this procedure ensures that the child's problem is addressed without establishing kinship with the host family and the interests of the disadvantaged child are served without infringing the social code in the true sense of the term;

(o) Measures to facilitate the renaming of children of unknown parentage if the true identity of their parents is ascertained and measures to establish a connection to a clan and tribe that express such a wish, since this is a customary procedure which is prevalent in society and compatible with the social code based on religion and custom;

(p) Reduced reliance on the official police authorities to deal with offences and misdemeanours committed by children since these matters are more properly dealt with through guidance and education by the family, social workers and the district people's committee;

(q) Establishment of a special juvenile police force consisting of persons trained in juvenile affairs, and designation of special departments of public prosecution and courts consisting primarily of specialized social workers and psychiatrists;

(r) Modification of the system of female employment in such a way as to enable women to spend more time with their children, particularly in the early stages of childhood, by giving nursing mothers the right to work part time without incurring loss of income, by increasing maternity leave to six weeks on full pay and by ensuring that creches are provided in all establishments and sites where women are employed;

(s) Provision of permanent sources of independent financing for social welfare institutions and children's programmes through investment, grants of facilities and use of part of the revenue of religious endowments for social welfare since it is a form of charity;

(t) Coordination of endeavours by the persons and sectors concerned (social security, health, youth, education and training) to establish social service offices within their respective spheres of functional competence;

(u) Promotion of the cultural and educational progress of children by supporting children's programmes in the audiovisual media, encouragement of writing and publishing for children and promotion of children's theatres,

libraries and exhibitions, thereby forging an educational and cultural message whose content helps to form young people's characters and offers them the opportunity to display their talents;

(v) Urban and rural development plans should make provision for open areas, playing fields, parks and facilities for children, particularly disabled children, where they can grow, enjoy freedom of movement, run and play in a healthy and safe environment;

(w) Amendment of existing legislation and regulations to make them consistent with the social policy guidelines for child welfare.

12. The foregoing is clearly in conformity with the provisions of the Convention on the Rights of the Child, in particular articles 2, 3, 4, 8, 17, 18, 20, 21, 22, 23, 24, 25, 28, 29, 30 and 31 thereof.

B. Mechanisms for coordinating policies relating to children and for monitoring the implementation of the Convention

13. The Higher Committee for Child Welfare, a body responsible for child welfare and the protection of children's rights, was established on 29 October 1990 following a meeting between Leader Muammar Qaddafi and specialists in children's affairs in the areas of health, social security, information, education and youth with a view to fostering a cultural transformation which encourages society in the future to produce children that are mentally sound, spiritually well-balanced, physically and emotionally healthy and socially well-adjusted.

14. In addition, a number of other agencies and institutions which are not concerned solely with children or children's affairs have been quite active in this area.

15. With regard to the measures taken to make the principles and provisions of the Convention widely known by active means, such action has been taken by the media through symposiums, radio and television programmes and newspapers. In addition, the Higher Committee for Child Welfare, in coordination with the educational authorities, has organized symposiums and regular meetings in schools with principals, social workers and guardians in order to make known the rights of the child. The Committee also holds regular symposiums to which guests specializing in this area are invited.

16. In addition, magazines dealing with children as well as other publications and periodicals are published from time to time.

II. DEFINITION OF THE CHILD

17. In accordance with article 1 of the Convention, the child in the Libyan Arab Jamahiriya is defined in article 3 of Act No. 17 of 1992 as follows:

"A child is a person who has not attained the age of majority. He is either capable or incapable of discernment.

(a) A child incapable of discernment is a child under seven years of age;

(b) A child capable of discernment is a child who has attained the age of seven years."

18. Article 9 of the same act stipulates: "The age of majority is 18 years." Article 17 of the Act stipulates: "A minor is a person who has not attained the age of majority or who is insane or simpleminded."

19. Libyan legislation establishes a duty of guardianship of children who are minors in personal and financial terms. Guardianship is a recognized right in view of a child's need for someone to attend to his affairs and set him on the right course in life. As it is a right that cannot be waived, the guardian has authority over the ward in respect of discipline, education, guidance and other matters relating to the minor's personal welfare. The authority of the father in the matter of discipline is a fundamental but not an absolute right. If the guardian resorts to illegal methods of disciplining and correction, harming the ward in a way that may be conducive to physical or mental illness, he becomes liable to prosecution for the offences of minor or grievous assault or injury in accordance with articles 397 and 398 of the Penal Code. This is in keeping with the provisions of article 5 and article 19, paragraph 1, of the Convention on the Rights of the Child.

Education

20. The legislation and regulations in force in the Libyan Arab Jamahiriya recognize the right of every citizen to education irrespective of his or her sex, race, nationality, language, religious belief or political affiliation. The legislation imposes a duty on the State to assist individuals in exercising that right free of charge and as easily as possible by providing the requisite material and moral resources, as stipulated in article 14 of the Constitutional Declaration promulgated by the Revolution Command Council on 11 December 1969, article 2 of Education Act No. 134 promulgated by the Revolution Command Council on 19 October 1980, article 1 of the Primary Education Ordinance promulgated by the Council of Ministers on 2 October 1973 and articles 1 and 2 of the Preparatory Education Ordinance promulgated by the Council of Ministers also on 2 October 1973. The period of compulsory education was initially fixed at six years and subsequently extended to nine years under the above-mentioned Preparatory Education Ordinance. These provisions are in keeping with article 28, paragraph 1, of the Convention.

Labour

21. The Libyan legislator provided for action to prosecute the exploitation of children under article 92 of Labour Act No. 58 of 1970, which stipulates:

> "It is prohibited to employ young people and to admit them to places of work if they are under 15 years of age. The competent authority shall issue directives specifying the terms and conditions under which young persons under 18 years of age may be employed in some industries and occupations and the industries in which it is prohibited to employ young persons under that age. The age of a young person shall be determined in the light of a birth certificate or any other official document, failing which it shall be assessed by a government physician."

22. Article 93 of the same Act stipulates that:

> "It is prohibited to employ young persons for more than six hours a day; such employment shall be interspersed with one or more rest periods. The total duration of meal times shall not be less than one hour. Work and rest periods shall be planned to ensure that young persons do not work for more than four consecutive hours or remain in the place of work for more than nine hours a day."

23. Article 94 of the Labour Act stipulates:

> "It is prohibited to employ young persons between the hours of 8 p.m. and 7 a.m. It is also prohibited to employ them on overtime and to accumulate the official weekly rest or holiday periods to which they are entitled."

24. Article 9 of Civil Service Act No. 17 of 1992 stipulates that a civil servant shall not be under 18 years of age, a provision which applies to graduates whom the State undertakes to employ.

25. With regard to the protection of children from exploitation in employment that is not covered by the legislation, article 474 of the Penal Code prohibits the employment of children as itinerant salesmen.

26. The above-mentioned examples of Libyan legislation concerning child labour are obviously fully in keeping with article 32 of the Convention.

Sexual consent

27. Libyan Arab society provides every child with legislative guarantees so that children are given the protection they need against all kinds of injustice, abuse, ill-treatment and exploitation, including the sale and prostitution of children. Legislation in the Libyan Arab Jamahiriya therefore treats such practices as crimes, guided by the Holy Qur'an which is the country's social code.

28. Article 407 of section I of chapter II of the Penal Code deals with offences related to sexual intercourse and imposes a penalty of ten years of imprisonment on any person who has sexual intercourse, consensual or otherwise, with a child under 14 years of age. The penalty is increased to 15 years if the offender is an ascendant of the victim or invested with legal responsibility for the child's care.

29. Article 409 deals unequivocally with the offence of incitement of children to acts of immorality and debauchery. It imposes a penalty of imprisonment on any person who incites a male or female child under 18 years of age to acts of immorality and debauchery, who assists him or her therein or who encourages a young person to engage in sexual activity or to do so in his or her presence.

30. Article 412 imposes a penalty of not more than five years of imprisonment on anybody who abducts a person or detains him or her by violence, threats or deception with a view to engaging in sexual activity. The penalty is increased by not more than one third if the victim is under 18 years of age.

31. With regard to the offence of prostitution of minors, article 415 imposes a penalty of imprisonment on any person who entices a minor or a person of unsound mind to engage in prostitution to satisfy the sexual appetite of others or who facilitates such activity. The penalty is increased under the following circumstances:

(a) If the offence is committed against a person under 14 years of age;

(b) If the offender is an ascendant of the victim;

(c) If the offender is invested with responsibility for the victim's upbringing, education, supervision, care, employment or training.

32. Article 416 imposes a penalty of imprisonment of between three and six years and a fine of between 150 and 500 Libyan dinars on any person who uses force or violence to compel a minor to engage in prostitution to satisfy the sexual appetite of other persons.

33. With regard to indecent publications, article 421 imposes a penalty on any person who commits an obscene act in a place which is open or exposed to the general public and on any person who offends propriety by distributing indecent literature, pictures or other material, by exhibiting them to the public or by offering them for sale.

34. With regard to the sale of children, articles 425 and 426 punish the crime of slavery and prohibit trafficking in persons, imposing penalties of imprisonment ranging from five to ten years.

35. Act No. 56 of 1970 establishes the offence of lewd, obscene or indecent exhibition or exhibition aimed at sexual arousal or designed to imply such arousal. It is thus quite clear that, in keeping with articles 34, 35 and 36 of the Convention, the Libyan Arab Jamahiriya utterly rejects all immoral and inhuman practices to which children may be exposed. In order to protect children's psychological well-being, the Jamahiriya has even made it an offence to engage in lewd acts in the presence of children.

Marriage

36. In 1984, the Libyan lawmaker promulgated Act No. 10 through the basic people's congresses which regulates marriage and divorce and their consequences in 75 articles divided into seven sections. The lawmaker deals systematically in the Act with the terms, conditions and consequences of marriage and with the provisions governing the separation of the spouses and its consequences. This legislation is derived essentially from the principles of the Islamic Shari'a, which is the fundamental official source for all matters relating to personal status that are not regulated in specific legislation, in addition to its role as the official source for legal judgements, to which judges refer as a precautionary measure when applying existing legislation in court proceedings. This does not detract from the importance of other sources such as custom, the principles of natural law and the precepts of justice.

37. With regard to the family, marriage is the foundation on which it is built, the sheltering environment in which it grows and the source of the benefits and influences from which it is nourished and on which it thrives. Islam urges men and women to get married and makes it easy for them to do so, while proscribing all relationships between a male and female that are constituted on any other basis.

38. With regard to the statutory age of marriage, the Libyan Arab Jamahiriya has adopted the provision of United Nations General Assembly resolution 2018(XX) of 1 November 1965 concerning the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages which stipulates that the minimum age for marriage shall under no circumstances be less than 15 years.

Voluntary enlistment in and conscription into the armed forces

39. Act No. 40 of 1974 concerning military service stipulates in article 6 (b) that no person under the age of 17 years may enlist in or be conscripted into the armed forces.

40. Act No. 9 of 1987 concerning national service, as amended, stipulates that national service is compulsory for all citizens who have attained 18 years of age. Persons under 18 years of age are therefore not subject to conscription and do not participate in military operations because they are still children.

41. It follows that the lawmaker has imposed a duty of national military service on every male citizen who has attained 18 years of age and is in good health, a provision that is in keeping with the preliminary draft optional protocol on involvement of children in armed conflicts.

Criminal liability, deprivation of liberty and imprisonment

42. In the Penal Code, the Libyan Arab legislator has adopted the principle of gradual progression with respect to the criminal liability of young people. As a general principle, a child under 14 years of age is held not to be criminally responsible but it is left to the judge to take appropriate measures if the child had attained the age of 7 when the act deemed to be an offence in the eyes of the law was committed. Article 80 of the Penal Code holds a young person criminally liable who was over 14 but under 18 years of age when he committed an offence and who was endowed with the capacity of discernment and of exercising willpower. However, the penalty imposed on him is reduced by two thirds. If a criminally responsible young person commits an offence that carries the death penalty or life imprisonment, those penalties are commuted to a term of imprisonment of not less than five years. A convicted minor serves his sentence in a facility reserved for criminally liable juveniles, where he is subjected to a special regime of education and guidance designed to serve as a deterrent and to prepare him to become an honest member of society (article 81 of the Penal Code).

43. It follows from the above-mentioned provisions that no action can be taken against a child under seven years of age. If criminal proceedings are brought against him, the court (i.e. the juvenile magistrate) is obliged to acquit him on grounds of absence of accountability.

44. With regard to investigation, a juvenile under 14 years of age cannot be placed in preventive detention since corrective action is sufficient in such cases. If he is over 14 but under 18 years of age and the Department of Public Prosecutions and the competent court consider that the circumstances of the case are such as to require preventive detention, he must be placed in a reform school (a juvenile education and guidance centre), a designated institution or a recognized charitable establishment unless the Department of Public Prosecutions or the court decides that it would be sufficient to place him in the custody of a trustworthy person (article 318 of the Code of Criminal Procedure) in order to guard against the ill effects of mixing young people with adults in prison.

45. The articles of the Penal Code stipulate that every accused person appearing before a juvenile court must have a lawyer to defend him. If he has not appointed a lawyer, the examining magistrate, the Department of Public Prosecutions, the indictments chamber or the court appoints a lawyer to defend him in accordance with the provisions of article 321 of the Code of Criminal Procedure regarding the criminal court. Juveniles are tried in camera at confidential hearings that are attended solely by their relatives and representatives of the judiciary and of charitable associations concerned with juvenile affairs (article 323 of the Code of Criminal Procedure).

46. The foregoing references to the legislation concerning the criminal liability of children show that it is fully in keeping with articles 37 and 40 of the Convention.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

47. The human rights document promulgated by the General People's Congress to which we have previously referred states in principle 17: "The members of the society of the Jamahiriya reject any discrimination among human beings on the basis of colour, sex, religion or culture."

48. The same document states in principle 16: "Minorities have a right to protection and to protection of their heritage. Their legitimate aspirations must not be suppressed or force used to merge them in one nationality or another."

49. This shows that not only children but people in general have the right to equality and non-discrimination.

B. Best interests of the child (art. 3)

50. The Libyan Arab Jamahiriya has introduced the Child Protection and Welfare Ordinance, which demonstrates that the interests of the child in the Libyan Jamahiriya are given the highest respect.

C. The right to life, survival and development (art. 6)

51. The Islamic Shari'a unequivocally proscribes infanticide and homicide in general. The Qur'an unequivocally condemns infanticide committed for fear of famine as well as the murder of female children and stresses the need to attend to the welfare of pregnant and nursing mothers and to spare them from

over-exertion, even in fulfilling their religious duties, out of concern for the life of the foetus and subsequently for the growth and survival of the child. Libyan legislation has adopted these principles inasmuch as the Islamic Shari'a is the legal code from which the Libyan lawmaker derives the law of the land.

D. Respect for the views of the child (art. 12)

52. Children are given training in the democratic way of life in primary school through the establishment of basic people's congresses. Children (assisted by their teachers) set up secretariats of people's congresses and committees to transmit their views to the school management, which takes them into account in formulating the schools's general policy. In the Basic People's Congress, the child is guaranteed the same right as the individual under principle 5 of the Green Document on Human Rights, which refers to "... the society of the Jamahiriya, which affirms the sovereignty of each individual in the Basic People's Congress and guarantees his right to express his opinion publicly and in the open. [The members of that society] forswear violence as a means of imposing ideas and opinions and adopt democratic dialogue as the only manner in which to express such opinions ... ."

E. Application of the principles of the Convention in other areas

53. The Libyan Arab Jamahiriya has ratified the International Covenant on Civil and Political Rights and submitted two reports thereon.

54. The Libyan Arab Jamahiriya has ratified the International Convention on the Elimination of All Forms of Racial Discrimination and submitted a number of reports thereon.

55. The Libyan Arab Jamahiriya has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and submitted one report thereon.

56. The Libyan Arab Jamahiriya has ratified the International Covenant on Economic, Social and Cultural Rights and submitted a comprehensive report thereon.

57. The Libyan Arab Jamahiriya has ratified the Convention on the Elimination of All Forms of Discrimination against Women and submitted its initial report thereon.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

58. A child's name and kinship protect him from humiliation, moral decline and destitution and confer on him a surname as a distinctive mark of identity. Article 38 of the Libyan Civil Code stipulates that every individual shall have a first name and a surname that is passed on to his children. Kinship is a strong bond that attaches children to their parents through love and affection. Article 53 of the Civil Code contains detailed provisions regarding descent: proven length of pregnancy; the circumstances of pregnancy; legal marriage; invalid marriage; affirmation of parentage. In defence of a child's right to parentage, article 404 of the Penal Code imposes

a term of imprisonment of not more than five years on any person who conceals an infant, exchanges an infant for the purpose of obtaining a birth certificate, makes false statements to the birth registration authorities, destroys or alters the identity papers of a child or takes steps to have fictitious parentage entered in the records of the aforementioned authorities.

B. Preservation of identity (art. 8)

59. Article 405 of the Penal Code imposes a term of imprisonment of three months on any person who commits or hands over a recognized legitimate or natural child to a home for foundlings or any other charitable institution, concealing the true facts regarding the child.

60. It will thus be observed that the Libyan legislator punishes any person who deprives a legitimate child of his or her identity. The Islamic Shari'a threatens with punishment a father who repudiates a child that he sees and knows to be his, since a father's repudiation of his child exposes both the child and the mother to permanent humiliation and lifelong dishonour. In addition, principle 4 of the Green Document stipulates that: "Citizenship in the society of the Jamahiriya is a sacred right which may not be abrogated or withdrawn."

C. Freedom of expression (art. 13)

61. Article 8 of the Promotion of Freedom Act stipulates that: "Every citizen has the right to express his opinions and ideas and proclaim them publicly at the people's congresses and through the media of the Jamahiriya. No citizen is answerable for his exercise of this right unless he exploits it in order to detract from the people's authority or for personal ends. It is prohibited to promote ideology or opinions in a clandestine manner or to attempt to impose them on others through incitement, force or intimidation."

62. As already noted, the Green Document unequivocally provides for freedom of expression unless it undermines the security of society. This is further proof that the right to freedom of expression and to respect for one's views is guaranteed for every individual, whether adult or child, male or female.

D. Access to appropriate information (art. 17)

63. As mentioned above, the Child Protection and Welfare Ordinance has provided for the promotion of a social approach to child-rearing in educational establishments, clubs and all other bodies dealing with children in order to develop the child's aptitudes, gifts and creative abilities and use them for the advancement of society.

E. Freedom of thought, conscience and religion (art. 14)

64. Libyan Arab society guarantees freedom of belief under principle 10 of the Green Document which states: "The members of the society of the Jamahiriya are guided in their decisions by a divine law of established provisions which are not susceptible to change or substitution, the law of religion or custom. They declare that religion means absolute faith in that which is transcendental, a sacred spiritual value which is particular to every

individual and yet shared by all people and a direct relationship with the Creator, without any intermediary. The society of the Jamahiriya prohibits the monopolization and exploitation of religion for the purpose of inciting sedition, fanaticism, bias, partisanship and strife."

65. It should be noted that the individual in the Libyan Arab Jamahiriya is free to choose his religion without prejudice to his enjoyment of civil rights.

F. Freedom of association and of peaceful assembly (art. 15)

66. Act No. 111 of 1970 concerning associations, as amended by Act No. 16 of 1977, provides for freedom of association and of peaceful assembly unless they pose a threat to the security and integrity of the State. Article 1 of the Act defines an association as any body established for non-profit-making purposes. Article 56, as amended, stipulates that it is permissible to establish associations known as associations of friendship and peace, whose membership and that of their administrative organs may include citizens of friendly States and whose purpose is to promote friendship and peace between peoples.

67. Children also enjoy this right if they wish to establish associations or unions for peaceful purposes.

G. Protection of privacy (art. 16)

68. Principle 7 of the Green Document stipulates that the members of the society of the Jamahiriya are free in respect of their personal conduct and personal relationships, to the extent that no one may interfere in them unless a complaint is raised by a party to the relationship or if the conduct or relationship harms or undermines the society or offends against its values. Principle 13 also states that a house is sacrosanct.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37(a))

69. Principle 2 of the Green Document stipulates that: "The members of the society of the Jamahiriya venerate and protect human freedom and prohibit any restrictions thereon. Imprisonment is imposed only on those whose freedom threatens or undermines that of others, and punishment serves the purposes of social reform, the protection of human values and the interests of society. The society of the Jamahiriya prohibits punishments which sully human dignity and harm human existence, such as hard labour and long-term imprisonment. The society of the Jamahiriya also prohibits the infliction of material or moral damage on the person of a prisoner and condemns the practices of trafficking with or carrying out experiments on prisoners. Punishment is borne in person by the individual in amends for the criminal deed which gave rise to such punishment and neither the punishment nor its effects are passed on to the family or relatives of the criminal."

70. This is the status of adult prisoners in the Libyan Arab Jamahiriya. With regard to children who have broken the law, we have already referred in the section on criminal liability to the situation of young people and their

status before the law. It should be added that article 465 of the Code of Criminal Procedure prohibits the use of physical compulsion in the execution of penalties with a view to recovering expenses, damages or fines if the convicted person was under 15 years of age when the offence was committed.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

71. Parents have the right to provide their children with guidance and they also have duties that have been established and regulated by the Libyan lawmaker under the heading of guardianship. There are two kinds of guardianship: legal guardianship and financial guardianship, the former being the more important in this context. Guardianship is a recognized right in view of the child's need for someone to attend to his affairs and set him on the course in life that will best serve his interests. As it is a right that cannot be waived, the guardian has authority over the ward in respect of discipline, education, guidance and other matters relating to the minor's personal welfare. The father's authority in the matter of discipline is exercised for the benefit of the child. If the guardian uses illegal means for the correction and education of an individual who is subject to his authority or has been entrusted to him for his upbringing, education, care, supervision, welfare or vocational training, thereby exposing him to physical or mental injury, he becomes liable to prosecution for the offences of minor or grievous assault or injury. If such treatment leads to the death of the child, the penalty is a term of imprisonment of not more than eight years, in accordance with article 397 of the Penal Code. Mention has already been made of the provisions of article 398 concerning ill-treatment of family members and children.

72. Article 35 of Act No. 17 of 1992 stipulates that legal guardianship ends when a young person attains the age of majority.

B. Parental responsibilities (art. 18, paras. 1-2)

73. The Libyan lawmaker has not failed to legislate both for children's rights and for the responsibility of parents or legal guardians, as the case may be, to promote children's happiness and full enjoyment of their rights. The most important of these rights or, from the parents' point of view, obligations are: the right to support, the right to kinship, the right to breast-feeding, the right to nurturing and the right to guardianship.

74. The right to support. Article 71 of Act No. 10 stipulates that the parent who is the provider shall support the children until a boy enters employment and a girl gets married. Under article 398, failure to fulfil the duty of support is made a punishable offence (misdemeanour).

75. The right to kinship. This has already been dealt with.

76. The right to breast-feeding. The Shari'a in its wisdom enjoins mothers to nurse their children for two years and experts in Islamic jurisprudence agree that nursing is a maternal duty under religious and secular law. Article 61, paragraph (b), of Act No. 10 of 1984 therefore

obliges a mother to nurse her child without payment while she is under the father's matrimonial authority. The mother is entitled to receive payment for nursing the child if she is separated from the father so that she does not find herself in difficulties on account of the child.

77. The right to nurturing. Nurturing is the process whereby the person endowed with legal responsibility for a child's upbringing and custody attends to his development and looks after his affairs, providing food, clothing and sleeping facilities and keeping him clean. Nurturing is basically a right of the child, who takes precedence, but it is also a right of the nurturer and the father or his substitute. If there is a conflict between those rights, the interests of the protected person (the child) take precedence over all others because nurturing is intended to benefit and safeguard the child. Act No. 10 of 1984 treats nurturing (i.e. child-rearing) as a right of the husband vis-à-vis his wife during marriage (art. 18, para. (d)) and as a legally imposed obligation of the wife until a boy attains the age of majority and a girl gets married.

78. The right to guardianship. This has already been dealt with.

79. With a view to assisting parents in discharging their responsibilities towards their children, legislation has been promulgated under which mothers who are heads of household are entitled to receive financial assistance. Article 24 of the Social Security Act of 1980 unequivocally stipulates that this assistance or allowance is payable to all recipients of benefits who meet the requisite conditions, whether they receive the basic allowance, the benefits established under the Pension Act or the Social Insurance Act, or social welfare benefits payable with effect from 1 June 1981. It should be noted that article 50, paragraph (f), provides for the ongoing validity of the family allowance scheme for recipients of benefits. If the family allowance provided for under article 24 of the 1980 Act had remained at the level established in 1974, it would amount to four Libyan dinars a month for the wife and two dinars a month for every child, but article 28 of the Social Security Act of 1980 authorized the General People's Committee to raise the amount of the family allowance payable to recipients of benefits. With regard to maternity assistance, mothers are entitled to a grant equivalent to 100 per cent of their hypothetical income for a full three months before and after confinement, in accordance with the provisions of the Civil Service Act for female civil servants and of the Social Security Act for self-employed participants.

80. Article 27 of Social Security Act No. 13 of 1980 stipulates that participants shall be paid the following lump-sum benefits, each participant who meets the requisite conditions being entitled to a single payment:

(a) The pregnancy allowance payable from the fourth month of pregnancy until confinement and amounting to three dinars a month;

(b) The childbirth grant amounting to 25 dinars.

C. Separation from parents (art. 9)

81. Article 36 of Act No. 17 of 1992 promulgated on 28 July 1992 regulating the situation of minors and those of equivalent status stipulates that a guardian shall in all cases be deprived of his guardianship in the following circumstances:

(a) If he no longer fulfils the conditions laid down in article 34 of the Act, which are as follows: "That he is a rational and reliable adult, of the same religion as the minor and capable of fulfilling the requirements of guardianship. He shall not have been convicted of an offence that entails deprivation of guardianship under the provisions of this Act.";

(b) If he commits a felony or a misdemeanour against the ward;

(c) If a parent is convicted more than once or another relative once of any of the following offences:

(i) The offence of dereliction of family duties;

(ii) The offence of using improper methods of discipline and child-rearing;

(iii) The offence of ill-treatment of family members;

(iv) The offence of committing a recognized legitimate child to a home for foundlings or other similar institution;

(v) The offence of adultery or of using force, threats or deception to engage in sexual intercourse;

(vi) The offence of rape;

(vii) The offence of incitement of young people to acts of immorality or debauchery;

(viii) The offence of abduction for the purpose of engaging in sexual acts;

(ix) The offence of non-forcible abduction of a person under 14 years of age or a person who is mentally deficient;

(x) The offence of incitement to prostitution;

(xi) The offence of coercion to engage in prostitution;

(xii) The offence of exploitation of prostitutes;

(xiii) The offence of using prostitution to earn a living and as a source of gain;

(xiv) The offence of international trafficking in women;

(xv) The offence of facilitating trafficking in women.

82. Articles 37 and 38 add that the court decides on the total, partial, permanent or temporary withdrawal of guardianship and that it is authorized to entrust the minor to a social institute or organization or to a trustworthy person.

D. Family reunification (art. 10)

83. Principle 3 of the Green Document stipulates that: "The members of the society of the Jamahiriya enjoy freedom of movement and residence in time of peace." This guarantees the right of parents or children to freedom of movement and residence and principle 2 provides for the veneration and protection of human freedom and prohibits any restrictions thereon.

E. Recovery of maintenance for the child (art. 27, para. 4)

84. In view of the importance of maintenance for the survival of the beneficiary, the Libyan legislator has given it special legal protection which sets it apart from any other financial obligation, imposing a penalty on any person who fails to make such payment although he is able to pay. In this connection, article 398 (a) of the Libyan Penal Code imposes a term of imprisonment of not more than one year on any person who has been ordered by a court to pay maintenance or child-rearing or nursing allowances to his spouse, ascendants, descendants or siblings and who fails to make such payment, although he is able to pay, within one month of his attention being drawn thereto. If the first court judgement is followed by a second action for failure to pay, the term of imprisonment is increased to not less than three months and not more than two years. If the convicted person takes steps to pay the arrears of his financial obligations in respect of maintenance or provides surety that is acceptable to the party concerned, the penalty is not carried out. It follows from these provisions that failure to pay maintenance by a person who is able to pay constitutes an offence (misdemeanour) punishable by the court with imprisonment until the obligation is discharged or surety acceptable to the interested party is provided. This type of enforcement is held to be extremely rigorous and injurious to the individual's status as a human being. In choosing this approach to the obligation to pay maintenance, the legislator had in mind both the basic needs of the beneficiary and the failure of the provider of maintenance to make payment despite his ability to pay.

85. In this connection, with a view to preventing the disintegration and collapse of the family home, article 396 of the Penal Code imposes a term of imprisonment of not more than one year or a fine of not more than 50 dinars on any person who shirks his duty of support entailed by his status as a parent or a spouse by abandoning the family home or behaving in a manner incompatible with proper or moral conduct.

F. Children deprived of a family environment (art. 20)

86. Principle 14 of the Green Document guarantees care for children and mothers and protection for the old and infirm. The society of the Jamahiriya is the protector of those who have no protector.

87. The number of institutions run and supervised by the social security system and providing shelter for those with nobody to look after them is very few compared to the size of the population. This is an indicator of the success of the means of social discipline employed and also, as already noted, of the deep-rooted religious and social values that prevail.

88. The social security sector is responsible for the supervision, management and financing of social welfare institutions and shelters for the homeless, which look after socially deprived children through the following programmes:

(a) Social welfare programme;

(b) Health care programme;

(c) Education programme;

(d) Culture and recreation programme;

(e) Religious programme;

(f) Services for the homeless.

89. Child welfare in these institutions extends, in the case of girls, from birth to marriage and, in the case of boys, from birth to 18 years of age or until they complete their schooling or obtain a qualification.

90. Nurseries and kindergartens for the homeless. These are social institutions that look after foundlings, orphans and other children with nobody to care for them from birth until six years of age or until the age of enrolment in basic education. Their services include the following:

(a) Providing shelter for children of both sexes from birth until six years of age;

(b) Taking in foundlings in order to protect them from all forms of exclusion;

(c) Raising children in an environment closely resembling that of the family with comprehensive health care and ethical, religious and social education.

91. Social welfare centres for boys and girls. These centres provide shelter for socially deprived children of both sexes from the age of six to the age of 18 in the case of boys and until marriage in the case of girls. They offer the following services:

(a) Provision of social welfare facilities;

(b) Creation of a healthy atmosphere and an ethical, religious and educational environment conducive to the development of a responsible individual;

(c) Provision of social services outside the institution with a view to improving the natural family environment, eliminating the factors that led to the child's committal to the institution or locating a foster family;

(d) Looking after children transferred from kindergartens and children deprived of a natural family by their parents' death, divorce or illness.

G. Adoption (art. 21)

92. Islamic society has certain reasons for not permitting adoption. The Holy Qur'an prohibits adoption for the following reasons:

(a) Adoption is a form of dishonesty used to assert false claims of filiation;

(b) Adoption is sometimes used as a means of depriving genuine heirs of their inheritance;

(c) That which is forbidden is permitted and that which is permissible is forbidden: In cases of adoption, the adopted son is free to enter places reserved for women who are not kinswomen, thus seeing what he is not permitted to see, but he is forbidden, for example, to marry one of the women although this is permissible.

93. For these and other reasons, adoption is replaced in many Islamic and Arab societies by fosterage, under which the foster family is entitled to look after the child on a permanent basis. The foster family must perform all the duties of guardianship for the child. This approach does not differ greatly from that of adoption save with regard to the right to take the family's name, the right to inherit and other matters related to the family's natural children. There are a number of difficulties associated with fosterage. For instance, the foster child's first name and surname are different from those of the foster family. An attempt has been made to resolve these ambiguities and difficulties in principle 14 of the Child Protection and Welfare Ordinance adopted by the General People's Congress.

94. The General People's Congress adopted decision No. 453 of 1985 concerning the Fosterage Ordinance. Article 2 stipulates that: "It is permissible for a family to assume responsibility for the care of welfare beneficiaries residing in social welfare centres for the homeless within the categories and in accordance with the conditions laid down in this Ordinance."

95. Article 3 lays down the following conditions to be fulfilled by the foster family:

(a) It must be a Libyan and a Muslim family;

(b) It must be a family consisting of a husband and wife who are committed to sound principles of morality and are capable of providing an appropriate environment for the foster child;

(c) Neither of the spouses should be over 50 years of age;

(d) The family's economic status should be such as to ensure that the foster child's basic needs will be met throughout the period of fosterage;

(e) Proper hygienic conditions must be assured in the residence of the foster family;

(f) In seeking to meet the requirements of fosterage, priority is always given to childless families or families with few children which can accept more than one foster child;

(g) The couple must be willing to assume the status of foster parents;

(h) The wife's circumstances and the time at her disposal must be such as to ensure that the foster child receives the necessary maternal care, attention and supervision.

96. It is clear from the foregoing that priority is given to the interests of the child and that the system of fosterage is designed solely for the purpose of giving children who are deprived of a family environment the opportunity to live in a natural family.

97. The following figures were published in a booklet issued by the information centre of the health and social security sector in 1994:

Type of institution	Number of institutions	Number of boarders
Nursery school	5	373
Home for girls and boys	9	396
Home for adolescents	5	145
Sanatorium for severely retarded children	3	440
Cognitive training institute	5	375
Institute for the deaf and hard of hearing	8	1 055
Centre for children with motor disabilities	2	100
Kindergarten	49	8 566

VI. BASIC HEALTH AND WELFARE

98. The General People's Committee adopted decision No. 875 of 1992 concerning the organization of the secretariat of the General People's Committee for Health and Social Security. This body is responsible for preparing the plans and programmes required to implement the sector's general policy in the framework of the decisions of the basic people's congresses.

99. Article 3 of the above-mentioned decision stipulates: "The organizational structure of the secretariat of the General People's Committee for Health and Social Security comprises the following departments and bureaux:

"(i) The General Department for Planning and Development of the Labour Force;

"(ii) The General Department for Medical Services and Laboratories;

"(iii) The General Department for Primary Health Care;

"(iv) The General Department for Pharmaceutics and for Medical Equipment and Supplies;

"(v) The General Department for Health and Social Awareness and Education;

"(vi) The General Department for Social Welfare and the Disabled;

"(vii) The General Department for Administrative and Financial Affairs;

"(viii) The Bureau for Committee Affairs;

"(ix) The Bureau for Legal Affairs;

"(x) The Supervision and Monitoring Bureau;

"(xi) The Technical Cooperation Bureau."

100. This completes the administrative picture. With regard to legislation, a number of instruments concerning children have been promulgated in the field of basic health care, for example the Compulsory Vaccination Ordinance of 1969 with its subsequent amendments, the Anti-Smoking Ordinance of 1989, the School Health Ordinance of 1961 and the ordinances relating to supervision of the foodstuffs trade, inspection of the safety of imported foodstuffs and general hygiene.

A. Survival and development (art. 6, para. 2)

101. The Child Protection and Welfare Ordinance provides for the survival and development of the child in a healthy environment, starting with medical examinations of prospective mothers prior to conception and continuing throughout the life of the child.

B. Disabled children (art. 23)

102. Special importance has been attached to programmes of care for the disabled in the Libyan Arab Jamahiriya since the country's international initiative in proposing 1981 as the International Year of Disabled Persons. Its preparations for the Year culminated in the promulgation of Act No. 3 of 1981 concerning disabled persons and the subsequent implementing regulations and decisions. The Act was amended by Act No. 5 of 1987, which introduced many new constructive measures such as:

(a) Shelter for the homeless;

(b) Home care for the disabled;

(c) Ease of access to public places;

(d) Employment;

(e) Training and retraining;

(f) Exemption of equipment from customs duties;

(g) Supervisory care for disabled persons in their places of employment;

(h) Education.

103. As the family is the natural environment for a growing child, the Act stipulates that disabled persons should live with their family and should only leave it if circumstances so require, that is to say in the event of the loss of the family provider and of social support. The social security services that are provided to disabled groups in the form of institutional and non-institutional services and programmes are supplemented by the services provided within the family and through other social bodies catering for other groups within Libyan society.

104. Institutions providing care for disabled children are:

(a) Sanatoriums for severely retarded children;

(b) Cognitive training institutes;

(c) Poliomyelitis centres (for children with motor disabilities);

(d) Institutes for the deaf and hard of hearing.

105. Sanatoriums for severely retarded children are social welfare homes catering for severely retarded children with nobody to look after them and for children whose families are unable to provide them with the services they require. The sanatoriums seek to provide the following services:

(a) Psychological and social care;

(b) Full boarding facilities;

(c) Rehabilitation programmes to promote self-reliance in attending to personal needs (in cases where a process of rehabilitation is feasible).

106. Cognitive training institutes are social institutions that look after mentally retarded children with an IQ of less than 50 who are not more than 15 years of age. They provide the following educational and rehabilitation services:

(a) Health and social care for mentally retarded children from an early age;

(b) Special education services and programmes tailored to the children's abilities;

(c) Psychological and mental testing with appropriate treatment in each case;

(d) Appropriate recreational and entertainment services;

(e) Training in manual activities and for self-reliance in attending to basic needs.

107. Institutes for the deaf and hard of hearing are educational establishments that provide special education facilities for children who are deaf or hard of hearing as well as medical treatment and aural testing. Their services include:

(a) Educational services based essentially on lip-reading and sign language;

(b) Health care, medical examinations and aural testing to establish the degree of disability;

(c) Social, psychological and recreational services;

(d) Training of students for occupations compatible with their abilities and inclinations;

(e) Provision of remedial equipment.

108. Centres for children with motor disabilities provide the following services for children suffering from poliomyelitis:

(a) Medical treatment in the form of motor training for paralysed limbs;

(b) Educational services for boarders in the centre;

(c) Recreational and entertainment programmes;

(d) Participation in social awareness programmes to fight the causes of poliomyelitis.

C. Health and health services (art. 24)

109. Following the revolution of 1 September 1969, extraordinary advances in health facilities and services were achieved. Priorities were established and plans were drawn up, not only to provide Libyan society with the best and most up-to-date diagnostic and therapeutic facilities but also to develop and improve resources for preventive and integrated health care.

110. The health service in the Jamahiriya pursues the following aims:

(a) Eradication of contagious and endemic diseases;

(b) Promotion of maternal and child health programmes and continual monitoring of school health programmes;

(c) Measures to change mistaken beliefs concerning food and nutritional guidance to promote the consumption of new kinds of food in Libyan society;

(d) Participation in health education through active involvement and supervision;

(e) Promotion of a healthy environment through active participation in a comprehensive programme to ensure a safe water supply and drainage system, to eliminate stray animals, rodents and vermin and to provide constant protection against air and marine pollution;

(f) Promotion of health care for society as a whole throughout the Libyan Arab Jamahiriya.

111. In the area of maternal and child health care, the Family Care Division of the Health of Society Department specializes in maternal and child care, school health programmes and nutrition.

112. The principal aims of the family health programme are to reduce mortality and morbidity rates, to provide counselling through Happy Family magazines, including extension of the intervals between child-bearing, to solve problems of malnutrition in the family and to promote awareness among family members of the basic requirements for a healthy life.

113. The aims of maternal and child care are:

(a) Reduction of mortality and morbidity among mothers, newborn babies, infants and children;

(b) Promotion of reproductive health;

(c) Promotion of the physical and mental development of children and adolescents in the family, the ultimate goal of maternal and child care being lifelong health.

114. Maternity health services include:

(a) Antenatal and perinatal care. This is care for women during pregnancy, to which all pregnant mothers must have access. The services include registration of all pregnancies, regular examinations, identification of high-risk groups, home visits, vaccination against tetanus and health education;

(b) Obstetric care. Every pregnant women has access free of charge to comprehensive hospital care during her confinement;

(c) Postnatal care. This continues for a period of six weeks.

Health indicators

115. The following are a selection of commonly used indicators of maternal and child care:

(a) Maternal mortality ratio in the Libyan Arab Jamahiriya in 1973: 0.8 per 1,000 live births;

(b) Perinatal mortality ratio, i.e. mortality of unborn and newborn babies between the twenty-eighth week of pregnancy and the seventh day after birth;

(c) Infant mortality ratio, i.e. the annual mortality of babies under 1 year of age per 1,000 live births. The ratio for the Libyan Arab Jamahiriya in 1978 was 38.5;

(d) Mortality ratio of newborn babies;

(e) Mortality ratio of children in the 1 to 4 age group.

Services provided to children of pre-school age

116. These services include:

(a) Medical care by providing special clinics for this age group;

(b) Integrated nutrition, using a "growth board" for measurement;

(c) Vaccination in the Libyan Arab Jamahiriya is compulsory under Act No. 106 of 1973 and its implementing regulations promulgated by the Secretariat for Health;

(d) Family welfare;

(e) Promotion of health awareness.

School health services in the Jamahiriya

117. These services include:

(a) Medical examinations and vaccination;

(b) Health education;

(c) Courses for teachers and members of the Health of Society Department in first aid, personal health and health education;

(d) Promotion of a healthy school environment;

(e) Motivation courses for employees of school health magazines.

118. Health institutions and facilities in the Libyan Arab Jamahiriya (1977):

Health institution	Number
Tuberculosis control centre	20
Trachoma control centre	21
Maternal and child care centre	99
Multiple practice clinic	12
Health centre	78
Main dispensary	678
Health training college	29
Quarantine centre	12
Medical faculty	2

D. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

119. The social security sector provides its services in the context of the social environment to all categories of children. For example, it provides social assistance to orphans in accordance with the regulations and principles laid down in Subsistence Act No. 116 of 1985. A total of 7,553 orphans receive such subsistence benefits. In addition, social welfare benefits are paid in cases where the responsibility for raising and supporting children falls on the mother, for example widows, divorced women or other persons of established kinship. Subsistence benefits are paid in a total of 222 such cases of social need.

120. In the context of its environmental services, the sector supervises day services for children in establishments known as kindergartens, which are located in urban and densely populated rural centres and which provide educational services at the level prior to compulsory schooling. These establishments pursue educational, social and recreational goals with a view to preparing children for compulsory schooling. They also take in children who are in need of care while their mothers are out at work.

121. In addition to the foregoing, mention has already been made of the social security legislation which provides assistance to mothers during pregnancy and confinement.

E. Standard of living (art. 27, paras. 1-3)

122. We have already described at length the health and social services designed to raise children's standard of living. We should add at this point a reference to housing services and to the annual benefits paid to needy families and families with no source of income. In such cases, the conditions that apply are those laid down in the Basic Allowances Act, for which a total sum of 70 million Libyan dinars was earmarked in 1991. In addition to financial support in the form of monthly benefits, the social and economic development programmes include productive family schemes designed to raise the

standard of living of low-income families through vocational training programmes (for example dressmaking, tailoring and knitting) provided in special units.

123. The State provides educational and health services free of charge to all members of society, thus effectively helping to raise the standard of living and the general quality of life of all citizens without exception.

124. The following table shows the number of families receiving basic allowances in the Libyan Arab Jamahiriya, broken down into eligible categories as defined in the relevant legislation:

Eligible category	Numbers benefiting
Old age	14 905
Disability	16 904
Widows	30 562
Orphans	7 039
Destitute family	478
Prisoner's family	354
Divorced women	15 495
Other categories	375
Mothers of children whose father's identity is unknown	249
Hospitalized family	10
Partial disability	48
Returned emigrants	111
Total	86 430

125. Clearly, most of these categories include children and the benefits are paid on their behalf and with a view to raising their standard of living. In addition, the Libyan Arab Jamahiriya views housing as a basic necessity for the individual and the family. It has therefore promulgated legislation that prohibits the rental system, thus preventing the subjugation of the individual and his family through their need for housing. Legislation has been adopted to make a dwelling the property of its occupants and to guarantee every citizen the right to appropriate sanitary housing with no risk of exploitation. Loans are granted for housing construction and State-built housing has been distributed among large low-income families with children. According to statistical estimates, 540,000 housing units have been built in the form of public housing, agricultural housing, integrated urban and rural housing, investment housing by commercial banks, cooperative association housing and self-help projects.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

126. This section reviews the legislative framework of the education system in the Libyan Arab Jamahiriya. Education in the Jamahiriya is based on a set of principles and enactments that define its characteristics, specify its aims, organize its structure in terms of levels of education and make provision for its administration. The following are the most important of these principles and enactments:

(a) The principles of the revolution: freedom, socialism and unity;

(b) The Third Universal Theory;

(c) The Constitutional Declaration promulgated by the Revolution Command Council;

(d) Education Act No. 34 of 1970 promulgated by the Revolution Command Council;

(e) The Declaration Establishing the People's Authority (1977);

(f) Act No. 12 of 1977 concerning technical education;

(g) The decision of the General People's Congress concerning adoption of the Educational Infrastructure Bill (1982);

(h) Act No. 1 of 1992 concerning higher education.

127. These are the main foundations and underlying principles of the education system in the Libyan Arab Jamahiriya and the source of all legislation and regulations concerning organization, content and administration. They are reflected in the existing educational infrastructure, which was designed to be consistent and in harmony with the country's basic constitutional and legislative instruments and which establishes a number of constants that have to be taken into consideration when embarking on any process of development or change, regardless of its scale. They include the following:

(a) The education system consists of all components of the educational infrastructure;

(b) The education system comprises four levels of study: kindergarten, basic education, intermediate education and higher education;

(c) The basic level of education in the Libyan Arab Jamahiriya is compulsory for male and female children who have reached the age of school attendance; all levels of education are free of charge;

(d) The periods of schooling are as follows: kindergarten - two years; basic education - nine years; intermediate education - at least three years; higher education - between three and seven years.

128. Turning from educational legislation to administrative measures, decision No. 72 of 1993 adopted by the General People's Congress restructured the Secretariat of the General People's Committee for Education, Youth, Scientific Research and Vocational Training along the following lines:

(a) The General Department for Free Vocational Education and Training;

(b) The General Department for Universities and Higher Institutes;

(c) The General Department for Research Centres;

(d) The General Department for Education and Training;

(e) The General Department for Teachers and Trainers;

(f) The General Department for Planning and Technical Affairs;

(g) The General Department for Supervision and Monitoring;

(h) The General Department for Promotional Activities;

(i) The General Department for Cultural Relations and Technical Cooperation;

(j) The General Department for Administrative and Financial Affairs;

(k) The Bureau for Committee Affairs;

(l) The Bureau for Legal Affairs.

A. Education, including vocational training and guidance (art. 28)

129. Principle 15 of the Green Document on Human Rights states that: "Education and knowledge are a natural right of every human being, and every human being has the right to choose the education that suits him and the knowledge that satisfies him without direction or compulsion."

130. Education in the Libyan Arab Jamahiriya is compulsory and free of charge at the basic education level and is a legal right of every child, both male and female. The right to choose a field of specialization on the basis of one's abilities is guaranteed through the diversity of post-basic education or secondary education, which consists of general, vocational and technical secondary education and teacher training colleges.

131. The following is a more detailed description of the different levels of the education system.

132. Kindergarten. Education at this level is designed to attend to the child's physical, mental and social welfare before enrolment in primary schooling. It helps the child to adjust well to the demands of social life in early childhood and promotes language skills and sound behaviour and attitudes. Children are admitted to this level at four years of age for two years only.

133. Basic education. The purpose of this level of education is to meet the pupil's fundamental needs in terms of values, patterns of behaviour, knowledge, experience and skills. Practical training is provided in manual work and children's creative abilities are developed by channelling their abilities and aptitudes into games and other activities. All children who have reached the age of six are enrolled at this level, which runs for a period of nine years. On completion of basic education, pupils are awarded the Certificate of Completion of Basic Education.

134. Secondary education. This level consists of: general secondary education; vocational secondary education; technical secondary education; teacher training colleges.

135. General secondary education is divided into two branches: arts and science.

136. Vocational secondary education is divided into the following branches: electrical trades; industrial and mechanical trades; commercial trades; building and construction trades; medical occupations; productive services; textile trades.

137. Technical secondary education is also divided into branches as follows: basic sciences; engineering and industrial sciences; medical science; agricultural science; social science; fine arts.

138. Education in teacher-training colleges is divided into the following fields of specialization: Arabic language and Koranic instruction; mathematics; draughtsmanship; medical science; sociology; physical education; musical training; arts education; domestic science.

139. A person qualified in any of the above-mentioned fields of specialization may pursue his studies in that field at the higher education level. This diversity of options is intended to provide a wide range of educational choice. Higher education establishments exist throughout the Libyan Arab Jamahiriya. Given the principle of freedom of education, the natural right to knowledge of every human being and the strong interest that exists in supporting and developing facilities and resources for free and informal education and encouraging community and popular effort aimed at promoting parallel education, the foundations have been laid in the Libyan Arab Jamahiriya for the development of a system of free home-based education and the first steps have been taken in that area, which for the time being is confined to basic education. At the end of the academic year 1991/92, 6,400 male and female pupils were enrolled in this branch of free home-based education. Moreover, any group of citizens or teachers is free to open an educational establishment at any level of education, to enrol students and to impart any knowledge or skills they choose, the role of the State being confined to ensuring that the establishment meets the educational conditions prescribed for the educational process or for training courses. As a result, many schools in the free education category have been opened throughout the Libyan Arab Jamahiriya.

140. The legislation and regulations in force in the Libyan Arab Jamahiriya recognize the right of every citizen to education irrespective of his or her sex, nationality, colour, religious belief or political affiliation. The legislation imposes a duty on the State to assist individuals in exercising that right free of charge and as easily as possible by providing the requisite material and moral resources, as stipulated in article 14 of the Constitutional Declaration promulgated by the Revolution Command Council on 11 December 1969, article 2 of Education Act No. 134 promulgated by the Revolution Command Council on 19 October 1980 and article 1 of the Primary Education Ordinance promulgated by the Council of Ministers on 2 October 1973. In pursuit of the aim of making education available to all, the Libyan Arab Jamahiriya has opened schools for children of Libyans working abroad, assuming responsibility for their management and funding. In return, nationals of

other States resident in the country are allowed to open their own schools, teaching through the medium of a language with which they are familiar. The Jamahiriya's role is confined to providing free supervision and assistance. Some foreign communities, however, prefer to send their children to Libyan schools, where they enjoy the same rights as Libyan children.

141. With a view to providing education for all, the Jamahiriya's Secretariat for Education and Scientific Research supplies teaching staff, classroom facilities, equipment, teaching aids, curricula, textbooks and all other needs of the education sector.

B. Aims of education (art. 29)

142. The education system pursues the following general aims and policies:

(a) The education system assists in promoting the economic, social and cultural advancement of Libyan society by focusing on the development of the individual's abilities and aptitudes, thus ensuring that he plays a constructive and active part in the formation of a progressive society;

(b) It is designed to produce a generation that is aware, enlightened, conscious of its duties and capable of shouldering its responsibilities. It does so by enhancing the individual's self-confidence and ability to change;

(c) It fosters a deep awareness of the individual's Arab background and an ability to interact, to give generously and to develop a sense of belonging to the Arab nation, taking pride in it and working for the unity of its members by:

(i) Developing a sense of national allegiance and an unwavering attachment to the Arab nation;

(ii) Highlighting the merits of Arab and Islamic culture and civilization as a source of progress and continuity in the enrichment of global civilization;

(d) The individual's free and voluntary choice of a field of study is designed to develop his talents and interests so that he can practise a profession or trade in one of the sectors of economic and social development or pursue his studies at a higher level;

(e) All disciplines in both formal and informal education are open to everyone, combined with or in addition to training programmes, so that mobility between the different branches of education is ensured;

(f) At levels above basic education, the education system leads to specialization in functional courses of study, on completion of which students are guaranteed access to employment and productive activity at an early age or to studies in the same field of specialization at higher levels of education;

(g) The system produces trained technical and professional manpower capable of using scientific planning methods and understanding the principles on which scientific resources and instruments operate so that they can participate actively in the development of science and the discovery of new productive facilities and inventions;

(h) Vocational and technical education is a major component of primary, intermediate and third-level education;

(i) Care is taken to maintain a reasonable balance in the structure of society since the gap that occurs between patterns of cultural behaviour and technology can impede or divert the process of social change;

(j) Arabic has been adopted as the medium of instruction at all levels of education. Its purity and integrity is preserved and action is taken to develop its stock of modern terminology in order to meet the need for Arabization and to make knowledge accessible to all;

(k) The education system promotes memorization of the Holy Qur'an and research in associated branches of knowledge by assisting and encouraging students with special gifts and aptitudes in that area. Koranic instruction is provided at the level of basic education, in combination with it for general requirements and separate from it for recitation of the Holy Qur'an in order to assist at more advanced levels in providing the qualified personnel who spread the message of the Qur'an and specialize in Koranic readings and scholarship.

C. Leisure, recreation and cultural activities (art. 31)

143. The Public Corporation for Sports, Leisure and Educational Entertainment and Equipment was established to further leisure, recreation and cultural activities by a decision adopted on 23 August 1980 granting the Social Security Fund permission to establish a joint-stock company.

144. Article 3 of chapter I of that decision classifies the materials, equipment, appliances and games that are manufactured, imported or distributed.

145. Under decision No. 268 of 1985 adopted by the Secretariat of the General People's Committee for Information and Culture, the branch of the journal Al-Amal dealing with children was transferred to the press branch. In addition, two audio-visual broadcasting media devote part of their daily schedule to children's programmes. The following children's magazines are published: Al-Amal, Sanabil, Sana' and Bara'a. There is also a journal dealing with children's affairs.

146. From time to time, the Corporation organizes diverse symposiums on recreational activities. The following are some of the recommendations produced by the symposium on recreation in Jamahiri society:

(a) Measures to devise family recreation programmes with a view to promoting family welfare in Jamahiri society, for example: organizing family outings, sports projects and social occasions;

(b) Involvement of educational, social and industrial bodies in educational recreation programmes with a view to promoting awareness among young people and building a comprehensive educational and recreational centre;

(c) Publication of a monthly children's magazine;

(d) Obtaining raw materials for making toys and production of an assembly and dismantling toy;

(e) Support for children's drama, exhibitions and art and for the building of exhibition halls and various kinds of museums;

(f) Provision of sports gear, games, musical instruments and implements for sculpture, drawing and painting;

(g) Transmission of the ancient literary heritage and simplifying it for a child's mind; translation of world literature suitable for our children's minds;

(h) Attention to and support for workshops in educational establishments;

(i) Building of recreational clubs for pensioners in residential areas;

(j) Carrying out studies and research on recreation and using the results to modernize and develop recreational and educational facilities;

(k) Development of toy libraries for children of different age groups and levels of development and design of advanced games programmes for the mechanically minded;

(l) Seasonal entertainment such as amusement parks and circuses;

(m) Action to bring recreational programmes to the country's villages rather than confining them to the towns;

(n) Tapes for ideological training based on the principles of the new Jamahiri society;

(o) Establishment of an advisory board of professionals and specialists to assist the Corporation and recreational and educational schemes in studying practical and scientific programmes with a view to creating constructive forms of recreation in line with existing aspirations;

(p) Compilation of records of the symposium for publication as a book;

(q) Creation of educational establishments to train personnel for programmes of pilot projects in social recreation centres;

(r) Recreational centres for the disabled;

(s) Recreation in therapeutic establishments such as hospitals and sanatoriums;

(t) Construction of an amusement park based on Arab and Islamic culture and inclusion of recreational facilities in the architectural plans of modern buildings;

(u) Encouragement of a return to traditional games, disregarding profit-making and material gain, and encouragement of water sports;

(v) Regular convening of this type of symposium with participants from different countries and establishment of a committee to prepare the event and draft its recommendations;

(w) Strengthening of scientific studies and field research.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

147. Jamahiri society opposes war as a cause of the displacement of children and draws attention to principles 23 and 24 of the Green Document on Human Rights which state that the members of the society of the Jamahiriya believe that peace among nations can bring about prosperity and call for the abolition of the arms trade and of atomic, biological and chemical weapons and means of mass destruction.

148. The Jamahiriya took in 1,300 children from Bosnia and Herzegovina, providing them with comprehensive care and attention during the conflict in the former Yugoslavia, following which they returned to their country.

149. The Jamahiriya has also helped to alleviate the sufferings of the children of the Sudan, Somalia and Lebanon, providing them with generous assistance.

150. Displaced persons including children occasionally arrive in the Jamahiriya and are afforded the requisite humanitarian care and assistance until they return to their countries.

Children in armed conflicts (art. 38)

151. Resolution 3318 (XXIX) concerning the Declaration on the Protection of Women and Children in Emergency and Armed Conflict adopted by the United Nations General Assembly on 14 December 1974 stipulates that the following principles and standards should be observed:

> "1. Attacks and bombings on the civilian population, inflicting incalculable suffering, especially on women and children, who are the most vulnerable members of the population, shall be prohibited [...].
>
> "2. The use of chemical and bacteriological weapons in the course of military operations constitutes one of the most flagrant violations of the Geneva Protocol of 1925, the Geneva Conventions of 1949 and the principles of humanitarian law [...].
>
> "3. All States shall abide fully by their obligations under the Geneva Protocol of 1925 and the Geneva Conventions of 1949 [...].
>
> "4. All efforts shall be made by States involved in armed conflicts, military operations in foreign territories or military operations in territories still under colonial domination to spare women and children from the ravages of war [...].
>
> "5. All forms of repression and cruel and inhuman treatment of women and children [...] shall be considered criminal.

"6. Women and children belonging to the civilian population and finding themselves in circumstances of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, or who live in occupied territories, shall not be deprived of shelter, food, medical aid or other inalienable rights [...]."

152. The Jamahiriya endorses and has adopted all these principles.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

153. We have already given a detailed account of the legislative procedures. We wish to add in this section that chapter XIV of the Penal Code deals with judicial proceedings in the case of juveniles. Article 316 establishes a juvenile court and article 317 specifies its jurisdiction. Article 318 provides for preventive measures on behalf of juveniles and for investigation of their circumstances. Article 320 concerns judicial proceedings and stipulates that a lawyer chosen by the accused or appointed by the judge must be present. Article 323 stipulates that juveniles are tried in camera at hearings that are attended solely by their relatives and representatives of the judiciary and charitable associations. There is a right of appeal and the judge oversees the implementation of his judgement.

2. Children deprived of their liberty (art. 37)

154. Children deprived of their liberty are placed in homes for juvenile training and guidance. Article 1 of decision No. 20 of 1973 promulgated by the Minister of Youth and Social Affairs stipulates that: "Homes for juvenile training and guidance attend to the training and welfare of juveniles at different stages of development, providing facilities for a form of training based on national, community and social values and sport, promoting and developing their interests and hobbies, and encouraging them to use their leisure time constructively, thus ensuring the all-round development of their personality and steering them on a course in life that also serves the general interests of society."

155. Each home employs a doctor and a social worker. The juveniles are taught a trade or profession depending on their aptitudes and receive remuneration if their performance is commendable.

3. Physical and psychological recovery and social reintegration (art. 39)

156. These services are performed by social welfare and social reform institutions. The social security system attends to the physical and psychological recovery and social reintegration of the disabled, adolescents and children. These activities are also supported by existing community associations, which include associations for the family, the blind, orphans, drug control, the mentally retarded, science and youth.

C. Children in situations of exploitation (art. 39)

1. Economic exploitation (art. 32)

157. Reference has already been made to economic exploitation in the review of Libyan legislation concerning economic exploitation of human beings in general and children in particular.

2. Drug abuse (art. 33)

158. The General People's Committee adopted decision No. 160 of 1995 concerning the restructuring of the National Committee against the Illicit Use of Drugs and Psychotropic Substances. The Committee implements programmes designed to counter the use of illicit drugs and has also developed preventive and therapeutic programmes. In addition, the General People's Committee for Health and Social Security carries out awareness, guidance and counselling programmes in that area.

3. Sexual exploitation (art. 34)

159. We have already dealt with sexual exploitation and sexual abuse.

4. Other forms of exploitation (art. 36)

160. We have already dealt with other forms of exploitation but we wish to add that the Green Document on Human Rights opposes exploitation and advocates resistance to it. In addition, it views domestic service as a form of exploitation and domestic servants as the slaves of the modern age.

5. Sale, trafficking and abduction (art. 35)

161. We have already referred to these points but we wish to add that article 1 of the decision promulgated by the Revolution Command Council on 26 September 1969 makes trafficking in manpower an offence. With regard to the sale of children, article 398, paragraph (b), of section I of chapter II of the Penal Code imposes a penalty on any person who kidnaps or arranges for others to kidnap a child.

162. Article 404 deals with the destruction or alteration of official records, imposing a penalty of not more than five years of imprisonment.

163. Articles 425 and 426 impose a term of imprisonment of between 5 and 10 years for slavery and trafficking in persons.

IX. FACTORS AND DIFFICULTIES AFFECTING THE DEGREE OF FULFILMENT OF THE OBLIGATIONS UNDER THE CONVENTION (art. 44, para. 2)

164. In this section we report on the damage caused by the implementation of Security Council resolutions 748 (1992) and 883 (1993) during the period from 15 April 1992 to 31 December 1994.

165. Some 685 babies have died, 300 as a result of delays in obtaining serums, vaccines and prophylactic drugs which, prior to the imposition of the air embargo, had been transported as air freight from sources abroad.

166. There is a growing shortage of serums and vaccines for children, which has held up all health programmes relating to national and international vaccination campaigns; as a result, Libyan and other children have been deprived of the dosage of drugs which, according to medical instructions regarding vaccination and the provisions of the World Health Organization, they should be taking at certain times and intervals corresponding to their age.

167. Cargoes of medical supplies (serums, vaccines, blood derivatives) imported by special order on the basis of specifications have arrived late; most of the supplies obtained in this way are damaged or no longer effective, particularly the poliomyelitis vaccine, and this has led to an increase in the mortality ratio among children and also among women, both during confinement in public hospitals and in other cases.

168. Therapeutic and preventive services provided under school health programmes and the programmes and activities of maternal and child-care centres and centres for the mentally retarded and the deaf and dumb have been suspended.

169. The following figures show the total financial loss ensuing from the enormous financial damage inflicted through the implementation of the above-mentioned Security Council resolutions (in US$):

Health and social security sector	92,350,000
Agricultural and livestock sector	4,679,710,240
Communications and transport sector	905,157,000
Industrial and mining sector	2,500,000,000
Economic and commercial sector	1,832,000,000
Total loss	10,006,217,240

These material losses have obviously had an adverse impact on health and educational services and on all child-welfare programmes in the Great Jamahiriya. However, in spite of all these difficulties, obstacles and losses, the Libyan Arab Jamahiriya is endeavouring to meet the basic needs of children as the weakest group in society.

170. The Higher Committee for Child Welfare has issued a number of statements concerning Security Council resolution 748 (1992), one of which we reproduce below:

> "Reaffirming the provisions of the Declaration of the Rights of the Child adopted by the United Nations General Assembly in November 1959, particularly articles 2, 4 and 6 thereof,
>
> "Recalling the provisions of the Convention on the Rights of the Child adopted by the United Nations on 20 November 1989 and ratified by the Great Socialist People's Libyan Arab Jamahiriya by Act No. 2 of 1991,

"Referring to the Declaration of the World Summit for Children held in New York on 28 and 29 September 1990, which represents a commitment at the highest international political level to achievement of the aims and strategies designed to ensure the survival, protection and development of children as an essential component of the economic and social development of every State in the world and of the international community as a whole,

"Referring to the implementation of Security Council resolution 748 (1992), which has inflicted great damage on child-care programmes and services in the Jamahiriya, since the imposition of the air embargo on the Jamahiriya has deprived children of urgent and timely supplies of serums, drugs, special foodstuffs and other requirements and has placed the lives of many children, especially babies, at risk by depriving them of means of prevention and immunization,

"Drawing attention to the fact that the Great Jamahiriya's past and present achievements in the field of child care and development and the protection of children's rights have been undermined and damaged by the obstacles and challenges placed in its way by the adoption of that resolution, which may be viewed as an act contrary to all international instruments and treaties aimed at child protection and welfare,

"Reminding the international community which is sedulously endeavouring to promote child protection and welfare that the continued implementation of that resolution will lead to a further deterioration in child-health services and nutrition and will undermine child-care and protection programmes in the Great Jamahiriya,

"Noting that the resolution is punishing the guiltless, that its oppressive cost is being paid by our innocent citizens and children and that those who joined forces to ensure its adoption bear historic responsibility for its consequences,

"The Higher Committee for Child Welfare in the Great Jamahiriya therefore urges international organizations and agencies concerned with human rights in general and children's rights in particular to show solidarity and support for the Jamahiriya's peaceful efforts to lift the embargo imposed on it."

References

Child Protection and Welfare Ordinance for submission to the people's congresses.

The Great Green Document on Human Rights.

Social Security Act No. 13 of 1980.

Social Security Fund, Social Welfare Department: Al-Tufula fi al-Jamahiriya al-Uzma (Children in the Great Jamahiriya).

Dr. Abd al-Rahman Abututa: Al-Himaya al-Qanuniya lil-Usra wal-Tufula (Legal Protection of the Family and Children); Al-Wa'y al-Amni series; Matabi' al-Adl, Tripoli, Libyan Arab Jamahiriya, 1990.

Dr. Ali al-Hawat: Al-Daman al-Ijtima'i wa-Dauruhu al-Iqtisadi wal-Ijtima'i (Social Security and its Economic and Social Role); Al-Dar al-Jamahiriya lil-Nashr wal-Tawzi' wal-I'lan, first edition, Libyan Arab Jamahiriya, 1990.

D.J. Burke et al.: Al-Mujaz fi Tibb al-Mujtama' (Outline of Social Medicine), translated by Dr. Al-Zaruq al-Hawni and Salim al-Hudayri; Manshurat Majma' al-Fatih lil-Jami'at, Tripoli, 1989.

Mausu'a al-Tashri'at al-Libiya (Compilation of Libyan Legislation) (in press).